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PREFACE

Statement of Company's Reservation of Objections and/or Adjustment Provisions

ITEM 11

The rates and changes issued April 21, 1997, reflect the Commission's Order of March 31, 1997 in Case 96-C-1174, and are without waiver of or prejudice to any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

ITEM 12

The rates and changes issued May 1, 1997, reflect the Commission's Order of April 1, 1997 in Case Nos. 95-C-0657, 94-C-0095 and 91-C-1174, and are without waiver of or prejudice to any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

ITEM 13

The rates and changes issued February 9, 1998, reflect the Commission's Order of December 22, 1997 in Case Nos. 95-C-0657, 94-C-0095, and 91-C-1174 and are without waiver of or prejudice to any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

ITEM 14

The rates and changes issued October 2, 1998, reflect the Commission's Order of July 22, 1998 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174 and 96-C-0036, and are without waiver of, or prejudice to, any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law. These rates and changes related to Directory Database Issues are being filed by the Company to comply with the requirements of the Order. The Company filed a Petition for Rehearing on August 28, 1998, seeking reconsideration and/or rehearing in this proceeding questioning the appropriateness of various provisions contained in the Commission's July 22, 1998 Order.

ITEM 15

The rates and changes issued January 15, 1999, reflect the Commission's Order of January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075, and are without waiver of, or prejudice to, any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

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Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 15 for Statement of Company's Reservation of Objections.

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By Sandra Dilorio Thorn, General Counsel
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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES

The Telephone Company will provide access to the Telephone Company's New York alphabetical White Pages Directory Listings (DL). Access is provided to Directory Publishers (DP) and Directory Assistance Service Providers (DASPs) who request Directory Listings Data Services in order to publish a directory, or provide Directory Assistance Service to their end users. Access to DL is provided by the Telephone Company on various media and is equivalent in content to the DL data that is used to publish the Telephone Company's directory. The Telephone Company will provide two Directory Listings Data Services as set forth in 1. and 2. following.

1. Directory Assistance Listing Service (DALS)a. Description of Service

Directory Assistance Listing Service (DALS) provides Directory Assistance Service Providers (DASPs) or Directory Publishers (DP) with subscriber name, address and telephone number listing data (including EAS Listings) contained in the Telephone Company's directory listing database formatted for the purpose of their provision of Directory Assistance services and publishing White Page Directories, in any format, that does not contain any classified advertisement. A DALS Technical Transfer Specification document will be made available to DASPs or DPs for use in designing their DALS database system.

DALS will include Initial Extract and Daily Updates as follows:

(A) Initial Extract

Initial Extract contains the listed names, addresses and telephone numbers of Telephone Company, Independent Company, and CLEC subscribers. After receiving a written order to prepare the Initial Extract, the Telephone Company will process the magnetic cartridge within sixty (60) days. Requests for any other media will be handled on a negotiated basis and rates will be based on incremental cost. Other media includes either Electronic delivery or Paper. (C)

(B) Daily Updates

Daily Updates will reflect all listing change activity occurring since the DASP's or DP's previous update. The updates shall be used solely by the DASP or DP to keep the Initial Extract current. Delivery of Daily Updates will commence the day after the DASP or DP receives the Initial Extract. Each update will be provided via electronic file transfer or paper. (C)

LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)1. Directory Assistance Listings Service (DALs) (Cont'd)b. Regulations

(A) This service is for use by DASPs in providing Directory Assistance Service or for DPs for publishing White Page Directories, in any format, that does not contain any classified advertising.

(B) DALs will include all directory listings in the database. However, non-published listings will include only the customer names and addresses, but not telephone numbers and will be designated that the customer's number is non-published. Non-published listings will be provided only for the purpose of providing Directory Assistance Services. (C)

The non-published information shall be provided subject to the DASP's agreement to abide by the Privacy Principles in Case No. 90-C-0075 and with the agreement not to use the information for any purpose other than informing directory assistance callers that the customer's telephone number is non-published. Address information of non-published customers shall not be given out by DASPs and shall be used for identification purposes only. Any violation of this provision or PSL section 91 (5) may result in loss of DA access and/or subject the violator to a penalty action under PSL section 25. (N)

DALs Updates will be provided on the same periodic basis that the Telephone Company updates its database.

(C) The Telephone Company will correct errors in its previously transmitted DALs data via daily updates in the same manner that the Telephone Company corrects errors included in its own database. DASP or DP inquiries regarding DASP or DP listing content will be directed to the owner of the listing (i.e., the Telephone Company, Independent Telephone Company, or CLEC).

(D) The minimum service period for DALs is twelve (12) months. DALs service shall renew for a new minimum service period of twelve (12) months at the end of the initial or renewal term unless the DASP or DP provides written notice of termination 90 days in advance of the expiration of the then current term. The regulations specified for deposits and payment of service in Section 1, Paragraph (H) of this Tariff will apply. If a DASP or DP cancels an order for the Initial Extract prior to the scheduled delivery date, the Telephone Company shall apply a cancellation fee to the DASP or DP which will be the full nonrecurring charge for the DALs service. If a DASP or DP terminates subscription to DALs on or after the scheduled delivery date of the Initial Extract, termination fees will equal the DALs monthly rate multiplied by the remaining months in the minimum service period.

(E) DALs may not be used for any purpose which violates federal or state laws, statutes, regulatory orders or tariffs.

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICE (Cont'd)

1. Directory Assistance Data Listings Service (DALIS) (Cont'd)

b. Regulations (Cont'd)

- (F) The Telephone Company will provide written specifications for the format and delivery of DALIS data in a Technical Specifications document. Any future changes to the format are at the sole discretion of the Telephone Company and will be communicated to all DASPs or DPs with not less than 90 days notification.
- (G) The DASP is not permitted to resell or transfer the listings or use the listings for telemarketing, sales, marketing, or other non-directory assistance purposes.
- (H) The DP can use, copy, enhance, and modify the Listing Information received solely in the (a) compilation of databases to be contained in, and the marketing and sublicensing of, DP's Directory Products or (b) accessing, searching for, and location of Listing Information; checking information already in the possession of the user against the particular Listing Information that has been located by such search; and/or printing out or recording the individual Listing Information items that have been located by such search. The DP shall not use the Directory Listings Information for any activities associated with the production or publication of Yellow Page directories or other advertiser supported Directories. The DP is not permitted to use the transferred listings for telemarketing, sales, marketing, or other non-directory purposes.
- (I) The provisioning of DALIS data will be subject to (1) and (2) as follows:
 - (1) Except for the permitted uses, the DASP or DP shall not disclose DALIS data to others and shall use due care in providing the security and confidentiality of DALIS data. The DASP or DP shall not rent, license, resell or otherwise exchange DALIS data with or without compensation for any purpose nor shall the DASP permit its end users to do the same. The DASP shall not reproduce DALIS data. (C) (T)
 - (2) Failure to comply with the provisions of this Tariff shall result in termination of the service and the DASP or DP shall immediately return to the Telephone Company all copies of DALIS data in its possession and shall make no further use of DALIS data. The Telephone Company may suspend or cease the service when the DASP or DP fails to make timely payment of charges or when the Telephone Company has reasonable grounds to believe that the DASP or DP has been or is in violation of the prescribed use and application of the data or other terms of the Tariff. Upon DASP or DP termination of DALIS, the DASP or DP shall return all copies of DALIS or provide adequate written proof that the data has been removed from its systems and has been destroyed. (T)

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICE (Cont'd)

1. Directory Assistance Data Listings Service (DALS) (Cont'd)

b. Regulations (Cont'd)

- (J) The DASP or DP, upon request, shall make available to the Telephone Company all reasonable and necessary records to allow the Telephone Company to verify and audit the uses and applications of the Directory Listings (DL) provided to DASP or DP. The Telephone Company may perform an audit at any time upon written notice to the DASP or DP.
- (K) The Telephone Company does not warrant continued availability of (a) any particular format, specifications, mode, or medium in which it makes DL data available, or (b) all the DL data presently provided as part of DALS. The Telephone Company will provide written notice ninety (90) days in advance of the discontinuance of such information to the DASP or DP. Performance by the Telephone Company shall be excused if the Telephone Company no longer maintains a database containing DL or no longer produces, in the ordinary conduct of its business, DL data, as described in this Tariff.
- (L) 1
- (D) J
- (M) The Telephone Company makes no express or implied warranties with respect to the accuracy or completeness of the directory listing data provided as part of DALS, and the DASP or DP hereby releases the Telephone Company from any liability for damages due to errors or omissions in the directory listing data provided under this Tariff or by reason of delay in providing the directory listing data.
- (N) The DASP or DP will provide a written request, signed by a duly authorized representative, to initiate DALS service. The DASP or DP shall not permit anyone but its duly authorized employees, affiliates, or agents to inspect or use the DL data furnished by the Telephone Company. The DASP or DP shall take appropriate security measures to guard against unauthorized use of the DL information furnished hereunder by employees, affiliates, agents, or others; but any unauthorized use, whether by the DASP or DP, its employees, affiliates, or others, shall be deemed a violation of this Tariff, irrespective of the security measures which have been or are being taken by the DASP or DP.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICE (Cont'd)

1. Directory Assistance Data Listings Service (DALS) (Cont'd)

b. Regulations (Cont'd)

- (O) Nothing in this Tariff or elsewhere shall give the DASP or DP any exclusive or proprietary right to the DL data, and the Telephone Company shall be free at any time to provide information to others under the same or different terms and conditions as the Telephone Company, in its sole discretion, may determine.
- (P) The Telephone Company shall not be liable for any errors and omissions in the Telephone Company's listings, including the DL data provided to the DASP or DP. The DASP or DP shall protect, indemnify, save harmless and defend the Telephone Company from and against any and all loss, liability, damages and expense arising out of any demand, claim, suit or judgment for damages that may arise out of the Telephone Company's supplying of DL or DASP's or DP's use of data contained therein irrespective of any fault, failure, or negligence on the part of the Telephone Company, including but not limited to claims made by consumers or other telephone companies(s) or ITC(s) relating to the provision, use or accuracy of DALS or DL data.
- (Q) The Directory Listing Database is and shall remain the property of the Telephone Company. The DASP shall have no right to permit any other DASP or person to use any information extracted therefrom without the express written consent of the Telephone Company, provided, however, the DASP is authorized to make a general distribution of the directories that it published. (C)
- (R) Failure of the Telephone Company to enforce or insist upon compliance with any provision of this Tariff shall not constitute a waiver of its right to enforce future compliance with that provision or compliance with any other provision hereof.
- (S) The DASP or DP, its employees, representatives, or agents shall not use any methods of advertisement, solicitation, order form, billing invoice, stationary, promotional material or any artifice or device which would tend to create the impression or imply that any service provided by the DASP, whether using DALS or not, was or sponsored by the Telephone Company.
- (T) The DASP or DP shall also be responsible to the Telephone Company for any and all loss, damage and expense the Telephone Company may suffer as a result of the publication by the DASP or DP, whether advertent or inadvertent, by the DASP or DP of the subscriber's non-published telephone number, including, but not limited to the cost incurred in changing the subscriber's telephone number. (N)

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 15 for Statement of Company's Reservation of Objections.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICES (Cont'd)

1. Directory Assistance Data Listings Service (DALs) (Cont'd)

c. Compensation to Other Telephone Companies

The Telephone Company will provide a Clearing House Administrative Function for the collection and remittance services associated with the sale of directory listings on behalf of Independent telephone companies (ITCs) and CLECs which provide to the Telephone Company the directory listings data for their New York local exchange service customers.

The Telephone Company sells its listings, including the CLEC and ITC listings, to a DASP at the appropriate tariffed rates for DALs as specified in Paragraph (e) following.

The Telephone Company will bill the DALs rate as specified in Paragraph e.(A) and a Clearing House Administrative Function rate for the ITCs or CLEC listings to the DASP specified in Paragraph e.(B).

The ITCs or CLECs will be compensated for their listings included when DALs services are performed.

The Clearing House Administrative Function is only provided in connection with Directory Assistance Listings Service (DALs), Directory Publisher Listings Service (DPLs) as specified in J.2. and Directory Assistance Listings Transfer (DALT), as specified in Section 5.8.1.6 in the P.S.C. No. 916--Telephone Tariff.

d. Rate Application

The Initial Extract Charge provides for the initial full load and applies per extraction. Nonrecurring charges apply as specified in J.1.e.(A)(1) following. The Daily Update monthly rate provides for the daily updates and applies on a monthly basis as specified in J.1.e.(A)(2) following. In addition, shipping costs for the media will be incurred by the DASP.

The Clearing House Administrative Function for the CLEC or ITC directory listings rates will apply in addition to the Initial Extract and/or Daily Update monthly rates.

The Compensation rate will be remitted to the ITCs or CLECs for their listings provided when the DPLS services were performed.

The Clearing House Administrative Function and Compensation rates apply on a per listings basis, as specified in J.1.e.(B)(1) and J.1.e.(B)(2) following.

Issued in compliance with Order of the Public Service Commission dated January 7, 1999
in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICES (Cont'd)1. Directory Assistance Data Listings Service (DALs) (Cont'd)e. Rates and Charges

The following rates and charges apply:

(A) <u>DALS</u>		<u>Monthly Rates</u>	<u>Nonrecurring Charges</u>	
(1)	Initial Extract		\$83,341	(C)
(2)	Daily Updates	\$3,866		(C)
(B) <u>Clearing House for ITC/CLEC Listings</u>		<u>Rates</u>		
(1)	Administrative Function - Per Listing	\$0.0173		
(2)	<u>Compensation*</u> - Per Listing	0.0062		(C)

2. Provisioning of Listings to Directory Publishers (DPLS)a. Description of Service

Directory Publishers Listing Service (DPLS) provides Directory Publishers (DP) with the subscriber's Directory Listing data contained in the Telephone Company's directory listings database solely for use by the DP in the publication of a directory. A DPLS Technical Transfer Specification document will be made available to DPs for use in designing their DPLS database system. The DP must provide the area code(s) and NNX code(s) of the requested data. The DP can not transfer or resell or exchange DPLS information with or without compensation to any other DP or to any other person for any purpose.

DPLS will include Initial Extract and Optional Updates at the option of the subscriber as follows:

(A) Initial Extract

Initial Extract contains the listed names, addresses and telephone numbers of Telephone Company, Independent Company, and CLEC subscribers. The DPs in their written request for DPLS, must include the area code(s) and the NNX code(s) for the requested data. After receiving an order to prepare the initial extract, the Telephone Company will process the magnetic cartridge media within five (5) business days.

- * Each Independent Telephone Company (ITC) or Certified Local Exchange Carrier (CLEC) will be compensated at the above compensation rate for their listing data until such time as that ITC or CLEC receives its own approved compensation rate.

Issued in compliance with Order of the Public Service Commission dated January 7, 1999
in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)a. Description of Service (Cont'd)(B) Optional Updates

At the option of the DP, two Updates will be available, Periodic Updates and Daily Updates. These updates will contain a list of the most recent Listing change activity since the DP's receipt of the Initial Extract media.

Periodic Updates will include all the Listing change activity that occurred over a four week period. Periodic Updates will be provided every four weeks. The delivery timeframe for the Periodic Update media will be handled on a negotiated basis.

Daily updates contain a list of the most recent change listing activity since the DP's previous update. Daily Updates will be available on an individual case basis. The Delivery timeframe of the daily updates may commence the day after the DP receives the Initial Extract media.

The Daily and Periodic Updates shall be used solely by the DP to publish a Directory. Each update will be provided via electronic file transfer.

b. Regulations

The regulations set forth in J.1.b.(E), J.1.b.(F) and J.1.b.(I)(2) through J.1.b.(R) preceding for DALs, also apply to DPLS. In addition, the following regulations will apply:

(A) The Telephone Company will grant a non-exclusive right to use, copy, and enhance or modify the format of the DPLS listing information solely for use in the compilation of a directory, including non-print directories that provide telephone number and /or address information in other than printed form, including but not limited to : a) Compact Disc Read-Only Memory; b) electronic access via computer, modem, and/or gateway systems; and c) other means of electronic communication.

(B) The Telephone Company will furnish to the DP listing information consisting of the name of the listed subscriber, address, telephone number, and designation (i.e., nature of business) obtained at the time service is initiated, if any, and other details as specified in the Telephone Company's DPLS Technical Transfer Specification which will be made available to DPs for use in designing their DPLS system.

DPLS information may be provided in a Magnetic Tape medium of delivery. Other mediums of delivery will be negotiated on an individual Case Basis and rates will be based on incremental cost. Such additional mediums may include Electronic delivery, Magnetic Tape, CD Rom, Diskette and Paper.

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in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICES (Cont'd)2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)b. Regulations (Cont'd)

- (C) The DP will notify the Telephone Company promptly in writing, if it discontinues publication or distribution of any directory for any or all of the central office codes included in DPLS. The Telephone Company will cease to furnish to the DP the DPLS data for such central office codes.
- (D) The DP may request additions to or deletions of central office codes from the request for DPLS listings. The DP shall notify the Telephone Company in writing sixty (60) days prior to the desired implementation date for any additions to or deletions from the central office codes included in DPLS.
- (E) The DP will provide a written request, signed by a duly authorized representative, to initiate DPLS service. The DP shall not permit anyone but its duly authorized employees, affiliates, or agents to inspect or use the DPLS information furnished by the Telephone Company. The DP shall take appropriate security measures to guard against unauthorized use of the subscriber listing information furnished hereunder by employees, affiliates, agents, or others; but any unauthorized use, whether by DP, its employees, affiliates, or others, shall be deemed a violation of this Tariff. Irrespective of the security measures which have been or are being taken by the DP. Upon request by the Telephone Company, the DP shall advise the names of persons with access to the Subscriber listing information and shall permit the Telephone Company to inspect the premises where the DPLS information is stored, used or maintained. Such inspection shall not release the DP from any responsibility or duty required by this Tariff or applicable law.
- (F) The DP agrees that, in the publication of its directories, the DP will not use any distinctive mark, identification or classification which will identify a particular listing as being a new or changed listing.

Neither the DP nor its employees, agents, or representatives shall represent in any way to any person or make any advertising claim that its directories are sponsored or approved by the Telephone Company or that the Telephone Company has any responsibility for or in connection with the compilation, production, publication, or distribution of DP's directories. The DP shall not publish its directories in such form as may cause or create confusion with or identification with the Telephone Company's directories.

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in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICES (Cont'd)

2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)

b. Regulations (Cont'd)

(G) The Telephone Company shall not be liable for any errors and omissions in the Telephone Company's listings. The DP agrees to release the Telephone Company from any and all liability which may arise due to any errors and omissions in the Telephone Company's listings. The DP shall assume all risk of liability and shall indemnify, protect and save harmless, and defend the Telephone Company from and against any and all loss, liability, damages, and expense arising out of any demand, claim, suit, or judgment for damages which may arise out of the Telephone Company's supplying of listing information or DPLS under this Tariff or DP's use thereof, including but not limited to any claims of other telephone companies or residential or business subscribers irrespective of any fault, failure, knowledge, or negligence on the part of the Telephone Company.

(H) Nothing in this Tariff or elsewhere shall limit or forbid in any way the format, content, and scope of the directories now being published on behalf of the Telephone Company or to be published in the future.

(I) The DP shall not permit any other DP or any other person to publish, copy, reprint, or make any other use of the Subscriber DL data unless such use is agreed to in advance in writing by the Telephone Company. Nothing contained in this Tariff shall restrict, impair, or in any way diminish the proprietary interest of the Telephone Company in the information supplied to the DP.

(J) The DP is not permitted to resell or transfer the listings for non-directory purposes. (C)

c. Compensation to Other Telephone Companies

The Telephone Company will provide a Clearing House Administrative Function for the collection and remittance services associated with the sale of directory listings on behalf of independent telephone companies (ITCs) and CLECs which provide to the Telephone Company the directory listings data for their New York local exchange service customers.

The Telephone Company sells its listings including the CLEC and ITC listings to a DP at the appropriate-tariffed rates for DPLs as specified in Paragraph (e) following.

The Telephone Company will bill the DPLs rate specified in Paragraph e.(A) and a Clearing House Administrative Function rate for CLEC/ITC directory listings specified in Paragraph e.(B) to the DPs.

The ITCs or CLECs will be compensated for their listings included when DPLS services are performed.

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LISTINGS

DIRECTORY LISTINGS DATA SERVICES (Cont'd)2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)c. Compensation to Other Telephone Companies (Cont'd)

The Clearing House Administrative function is only provided in connection with Directory Publishers Listings Service (DPLs), Directory Assistance Listings Service (DALs) as specified in J.1. and Directory Assistance Listings Transfer (DALT), as specified in Section 5.8.1.6 in the P.S.C. No. 916--Telephone Tariff.

d. Rate Application

DPLS will be provided via Magnetic Tape/Cartridge and apply on a per listings basis, as specified in J.2.e.(A) following. In addition, shipping costs for the media will be incurred by the DP.

The Clearing House administrative function rates for CLEC/ITC directory listings will apply in addition to the per listings rate.

The Compensation rate will be remitted to the ITCs or CLECs for the listings provided for DPLS services performed.

The Clearing House Administrative Function and Compensation rates apply on a per listings basis, as specified in J.2.e.(B)(1) and J.2.e.(B)(2) following.

e. Rates and Charges

The following rates apply:

	<u>Rates</u>	
(A) <u>DPLS</u>		
- Per Listing		
- Magnetic Tape/Cartridge	\$0.0305	(C)
- Daily Update		
- other media	ICB	
(B) <u>Clearing House for CLEC/ITC Listings</u>		
(1) <u>Administrative Function</u>		
- Per Listing	0.0173	
(2) <u>Compensation*</u>		
- Per Listing	0.0305	(C)

- * Each Independent Telephone Company (ITC) or Certified Local Exchange Carrier (CLEC) will be compensated at the above compensation rate for their listing data until such time as that ITC or CLEC receives its own approved compensation rate.

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New York Telephone Company

Preface
2nd Revised Page 2
Superseding 1st Revised Page 2

PREFACE

Statement of Company's Reservation of Objections and/or Adjustment Provisions

ITEM 5

The rates and changes issued August 21, 1998, reflect the Commission's Order of July 22, 1998 in Case Nos. 95-C-0657, 94-C-0095 and 91-C-1174, and are without waiver or prejudice to any rights or objections of New York Telephone Company with respect to such Order.

ITEM 6

The rates and changes issued October 2, 1998, reflect the Commission's Order of July 22, 1998 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174 and 96-C-0036 and are without waiver of, prejudice to, any rights or objections of New York Telephone Company with respect to such Order. These rates and changes related to Directory Database issues are being filed by the Company to comply with the requirements of the Order. The Company filed a Petition for Rehearing on August 28, 1998, seeking reconsideration and/or rehearing in this proceeding questioning the appropriateness of various provisions contained in the Commission's July 22, 1998 Order.

ITEM 7

The rates and changes issued January 19, 1999, reflect the Commission's Order of January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075 and are without waiver of, prejudice to, any rights or objectives of New York Telephone Company with respect to such Order.

(N)

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 7 for Statement of Company's Reservation of Objections.

Issued: January 19, 1999

Effective: January 19, 1999

By Sandra Dilorio Thorn, General Counsel
1095 Avenue of the Americas, New York, N.Y. 10036

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.1 Directory Assistance (DA) Services (Cont'd)

5.8.1.5 Direct Access to Directory Assistance (DADA) (Cont'd)

(B) Regulations

- (1) The TC is required to arrange for interconnection to the database. The Telephone Company will interconnect at any technically feasible point designated by the TC.
- (2) The Telephone Company will provide the TC with a user Guide for training its agents.

(C) Rates and Charges

Rates and Charges for DADA will be billed to the TC and are set forth in Section 5.8.8(A)(3) following.

5.8.1.6 Directory Assistance Listings Transfer (DALT)

(A) General

Directory Assistance Listings Transfer (DALT) provides TCs who request to offer operator Directory Assistance Service, with the capability to access the Telephone Company's New York directory listings database.

(B) Regulations

- (1) This service is for use by TCs in providing local exchange service in the State of New York.

- (2) DALT will include all directory listings in the database. Non-published listings will be provided only for the purpose of providing Directory Assistance Services. (C)

The non-published information shall be provided subject to the TC's agreement to abide by the Privacy Principles in Case No. 90-C-0075 and with the agreement not to use the information for any purpose other than informing directory assistance callers that the customer's telephone number is non-published. Address information of non-published customers shall not be given out by TCs and shall be used for identification purposes only. Any violation of this provision or PSL section 91 (5) may result in loss of DA access and/or subject the violator to a penalty action under PSL section 25. (N)

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.1 Directory Assistance (DA) Services (Cont'd)

5.8.1.6 Directory Assistance Listings Transfer (DALT) (Cont'd)

(B) Regulations (Cont'd)

- (3) The Telephone Company shall not be liable for any errors and omissions in the Telephone Company's listings, including the DL (Directory Listings) data provided to the TC. The TC shall protect, indemnify, save harmless and defend the Telephone Company from and against any, and all loss, liability, damages and expense arising out of any demand, claim, suit or judgment for damages that may arise out of the Telephone Company's supplying of DL or TC's use of data contained therein irrespective of any fault, failure, or negligence on the part of the Telephone Company, including but not limited to claims made by consumers or other telephone companies(s) or ITC(s) relating to the provision, use or accuracy of DALT or DL data.
- (4) The TC, its employees, representatives, or agents shall not use any methods of advertisement, solicitation, order form, billing invoice, stationary, promotional material or any artifice or device which would tend to create the impression or imply that any service provided by the TC, whether using DALT or not, was or is associated with or sponsored by the Telephone Company or any of its affiliates.
- (5) The Directory Listing Database is and shall remain the property of the Telephone Company. The TC shall have no right to permit any other TC or person to use any information extracted therefrom without the express written consent of the Telephone Company, provided, however, the TC is authorized to make a general distribution of the directories that it published.
- (6) Failure of the Telephone Company to enforce or insist upon compliance with any provision of this Tariff shall not constitute a waiver of its right to enforce future compliance with that provision or compliance with any other provision hereof.

(C)

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.1 Directory Assistance (DA) Services (Cont'd)

5.8.1.6 Directory Assistance Listings Transfer (DALT) (Cont'd)

(B) Regulations (Cont'd)

- (7) Failure to comply with the provisions of this Tariff shall result in termination of the service and the TC shall immediately return to the Telephone Company all copies of DALT data in its possession and shall make no further use of DALT data. The Telephone Company may suspend or cease the service when the TC fails to make timely payment of charges or when the Telephone Company has reasonable grounds to believe that the TC has been or is in violation of the prescribed use and application of the data or other terms of the Tariff. Upon TC termination of DALT, the TC shall return all copies of DALT or provide adequate written proof that the data has been removed from its systems and has been destroyed. (N)

- (8) The TC shall also be responsible to the Telephone Company for any and all loss, damage and expense the Telephone Company may suffer as a result of the publication by the TC, whether advertent or inadvertent, by the TC of the subscriber's non-published telephone number, including, but not limited to the cost incurred in changing the subscriber's telephone number.]

(C) Undertaking of the Telephone Company

- (1) The Telephone Company will provide directory listings, in electronic format, for its New York end-user customers.
- (2) The Telephone Company will provide the following DALT records:
- The Full load update which consists of the initial Directory Listing record. It will be provided via magnetic cartridge.
 - The Daily Updates which consist of all change activity made since the previous update. Each update will be provided via electronic file transfer.
- (3) Daily updates are provided at the same frequency and with the same basic content that the Telephone Company uses to update its own Directory Assistance database.
- (4) A DALT Technical Transfers Specification document will be made available to TCs in designing their DA database system.

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.1 Directory Assistance (DA) Services (Cont'd)

5.8.1.6 Directory Assistance Listings Transfer (DALT) (Cont'd)

(D) Compensation to Other Telephone Companies

The Telephone Company will provide a Clearing House Administrative Function for the collection and remittance services associated with the sale of directory listings on behalf of independent telephone companies (ITCs) and TCs which provide to the Telephone Company the directory listings data for their New York local exchange service customers.

The Telephone Company will apply a Clearing House Administrative Function rate for ITC listings for collections and disbursement of compensation services performed.

The ITCs or TCs will be compensated for their listings included for DALT services performed.

The Clearing House Administrative function is only provided in connection with DALT, Directory Publishers Listings Service (DPLs) and Directory Assistance Listings Service (DALs) as specified in Sections 9.J.1. and 9.J.2. of the P.S.C. No. 900--Telephone Tariff.

(E) Rate Application

- (1) The Full Initial Extract Charge provides for the initial full load update and applies per transaction.
- (2) The Daily Update rate provides for the daily updates and applies on a monthly basis.
- (3)
- (4) The Clearing House Administrative Function rate for ITC listings applies on a per listings basis and is in addition to the Initial Extract nonrecurring charge and/or the Daily Updates monthly rate.
- (5) The Compensation rate will be remitted to the ITCs for their listings provided for the DALT services performed.

Rates and charges for DALT are set forth in 5.8.8 (A)(4) following.

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.2 Basic Operator Services

Under this option, the Telephone Company will provide basic operator services, both automated and live, as described below.

5.8.2.1 Automated Operator Services (0+/Mechanized Operator Services)

This option enables the TC's end users to alternately bill their calls without live operator assistance. Alternate billing consists of calling card, collect, and bill to third number. This automated process occurs when the TC's end users dial 0+ and reach the Telephone Company's mechanized operator interface. The Telephone Company will return calls requiring completion to the TC's collocated facilities, where the TC must provision for applicable call completion services.

The Telephone Company will bill the TC for each 0+ mechanized call occurrence, as set forth in Section 5.8.8(B). At the TC's request, the Telephone Company will provide TC specific branding, which will be billed per occurrence in addition to the charges mentioned above.

5.8.2.2 Live Operator Services

This option enables the TC's end users to reach a live Telephone Company operator for assistance. This assistance includes the following call types: calling card, collect, bill to third number, person to person, emergency, busy line verification and interrupt, operator passthrough, and miscellaneous information. This live process occurs when the TC's end users dial 0- and reach the Telephone Company's operator services switch and live operator. The Telephone Company will return calls requiring completion to the TC's collocated facilities, where the TC must provision for applicable call completion services.

The Telephone Company will bill the TC for each 0- operator handled call, either on an occurrence basis or an operator work second basis, as set forth in Section 5.8.8(C). At the TC's request, the Telephone Company will provide TC specific branding, which will be billed per occurrence in addition to the charges mentioned above.

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.2 Basic Operator Services (Cont'd)

5.8.2.3 Additional Operator Services Features

(a) Real Time Rating

Real Time Rating is a capability that enables a Telephone Company operator to provide the TC's standard tariff rates to the TC's end users, when the Telephone Company is providing operator services to that TC. The Telephone Company must be the Operator Services provider for the TC to utilize this service. This capability applies only to standard rates effective at the day and time of the inquiry, and for calls made from the actual line used by the end user to call the Telephone Company operator. Rates cannot be provided that account for optional calling plans or other discounts from standard tariff rates. The requesting TC must provide appropriate rate tables in the format defined by the Telephone Company. The requesting TC must provide an initial list of line numbers associated with the TC subscribers in a format to be defined by the Telephone Company. If a TC utilizing unbundled local switching as specified in 5.6 preceding, requests this service, Operator Service calls must be routed via dedicated trunks ports between the end office in which they have unbundled local switching ports and the TOPS switches.

Rate information/schedules, CIC and OCN must be provided to the Real Time Rating System Administrator (RTRSA) 60 days prior to the requested service date. Confirmation of receipt of the information and the service start date will be provided by the Telephone Company to the TC.

The rates are set forth in Section 5.8.8(D)(1) following.

(b) Automated Coin Toll Service

Automated Coin Toll Service (ACTS) provides the capability to process Intra-LATA toll calls originating from coin phones without operator intervention. After the caller dials a valid 1+IntraLATA Toll call from a coin phone, an automated system prompts the caller to deposit the proper amount of coins for call completion. If the caller fails to deposit the correct amount within the time threshold set by the Telephone Company, the call will default to a live operator for handling. If an insufficient amount is received within the established time threshold, a Telephone Company Operator will prompt the caller to deposit an additional amount. In the event a sufficient amount is not received the call will not be completed.

Any overdeposit of coins will be credited toward any overtime. This option is only available with use of the Telephone Company's Operator Services.

Rates and Charges for Automated Coin Toll Service will be billed to the TC and are set forth in Section 5.8.8(D)(2) following.

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)

5.8 Directory Assistance and Operator Services (Cont'd)

5.8.3 Inward Operator Services: Wholesale Busy Line Verification and Interrupt

This option permits a TC that does not use the Telephone Company's Basic Operator Services to request Busy Line Verification and Interrupt on the Telephone Company's access lines. The TC's operator services provider must connect to the Telephone Company's operator services switch, as designated by the Telephone Company, through the TC's collocation facilities at that site. This connection requires Feature Group D (FGD) trunks.

At the request of the TC's operator services provider, a Telephone Company operator will attempt to determine the status of an exchange service line (e.g., in use, idle, or out of order). The Telephone Company operator will report the results to the TC operator services provider. If the Telephone Company operator reports the line to be in use, the TC operator services provider, per the TC end user's request, may ask the Telephone Company operator to interrupt the busy line. The Telephone Company operator will interrupt any existing conversation on the busy line and request termination of the call, so that the TC's end user may attempt to complete a call on the line.

The Telephone Company will respond to one telephone number per call on requests for Wholesale Busy Line Verification and Interrupt. This service cannot be provided on ported telephone numbers, telephone numbers which forward calls using Call Forwarding Variable service features, or telephone numbers which have Call Waiting provisioned on the line. The TC shall indemnify and hold the Telephone Company harmless against all claims that may arise from either party to the interrupted call or any other person.

The Telephone Company will bill the TC for each Wholesale Busy Line Verification or Interrupt call, either on an occurrence basis or on operator work second basis, as set forth in Section 5.8.8(E).

5.8.4 (Reserved for future use)

5.8.5 (Reserved for future use)

5.8.6 (Reserved for future use)

5.8.7 (Reserved for future use)

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999
in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 7 for Statement of Company's Reservation of Objections.

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New York Telephone Company

Section 5
2nd Revised Page 74.10
Superseding Original Page 74.10

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.8 Rates and Charges(A) Directory Assistance ServicesPer Request(1) Directory Assistance

Each Request for Information per one telephone number, with NYT branding	\$0.326
Each Request for Information per one telephone number, with TC branding	0.326
Each Request for Information per one telephone number, without branding	0.302
Branding Surcharge per call (if applicable)	0.024

(2) Directory Assistance Call Completion (DACC)

Each Request for Information per one telephone number, with NYT branding plus call completion	0.449
Each Request for Information per one telephone number, with TC branding plus call completion	0.449
Each Request for Information per one telephone number, without branding plus call completion	0.425
Call completion additive per call	0.123
Branding Surcharge per call (if applicable)	0.024

(3) Direct Access to Directory Assistance (DADA)Per Request

Each Search Request	0.0455*
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(4) Directory Assistance Listings Transfer (DALT)Monthly RatesNonrecurring Charges

(a) <u>Full Initial Extract</u>	\$83,341
(b) <u>Daily Updates</u>	\$3,866

* Rates are filed pending final ruling by the Commission. The final rates will apply retroactively to the effective date of the Tariff.

See PREFACE Items 2 and 6 for Statement of Company's Reservation of Objections.

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 7 for Statement of Company's Reservation of Objections.

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Pacific Bell
San Francisco, California

SCHEDULE CAL.P.U.C. NO. A5.
2nd Revised Sheet 517.2
Cancels 1st Revised Sheet 517.2

NETWORK AND EXCHANGE SERVICES

A5. EXCHANGE SERVICES

5.7 DIRECTORY SERVICES (Cont'd)

5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)

C. RATES AND CHARGES (Cont'd)

5. Rates for Listing Options

a. For Directory Publishers (under Section 5.7.4.A.1):

(i) Per listing charge:

(a) Basfile	\$100.00 per 1000 listings	(T)
(b) Listing updates or delivery information (daily & monthly)	\$100.00 per 1000 listings	(T) (N) (T)

Continued

H

PROCEEDINGS: **HEARING**

BEFORE: **CHAIRMAN JULIA L. JOHNSON**
COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER DIANE K. KIESLING
COMMISSIONER JOE GARCIA

DATE: **Monday, January 13, 1997**

TIME: **Commenced at 9:30 a.m.**
Concluded at 1:25 p.m.

PLACE: **Betty Easley Conference Center**
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: **JOY KELLY, CSR, RPR**
Chief, Bureau of Reporting
RUTHE POTAMI, CSR, RPR
Official Commission Reporters

DOCUMENT NUMBER-DATE

00654 JAN 17 1964

FPSC-RECORDS/REPORTING

1 to earn some measure of profit on the service.

2 CHAIRMAN JOHNSON: Okay.

3 MR. HORTON: I'll come back to the cost in a
4 minute.

5 Q (By Mr. Horton) There's an indication in
6 responses to interrogatories -- not an indication, but
7 I think BellSouth has stated that the prices which the
8 publishers pay are market based. Are you familiar
9 with that?

10 A Yes.

11 Q What do you mean by market based?

12 A It means that the listings that the
13 directory publishers receive have value. As we've
14 heard in the earlier testimony there are basically two
15 choices that seem to be available to the directory
16 publishers that maybe were portrayed as viable
17 choices. One is to buy the listing service from the
18 BellSouth DPDS tariff. The other was to use a tariff
19 that was -- I mean use a directory that was available
20 on the street.

21 If BellSouth's tariff has value such that
22 the publisher would choose to purchase that, I believe
23 a market value is a worthwhile means of pricing the
24 service. And to give maybe a little more definition
25 to that, 100,000 listings was used in an example

1 earlier, a directory with 100,000 listings. At four
2 cents, that directory -- the White Page portion of
3 that directory would cost the independent publisher
4 \$4,000. But with that White Page section, the
5 publisher then has the opportunity to sell thousands,
6 if not hundreds of thousands of dollars of
7 advertising. It seems to have great value to the
8 publishers. It also allows them to avoid the cost of
9 taking a printed directory and then either scanning or
10 in some other fashion reformatting that directory into
11 their own.

12 COMMISSIONER CLARK: Mr. Juneau, I'm
13 confused. Are you basing your tariffed rate on market
14 prices or costs plus a reasonable contribution?

15 WITNESS JUNEAU: This tariff is based on
16 cost or it's based on a market price that covered the
17 cost of the tariff and it includes contribution.

18 COMMISSIONER CLARK: How much is that
19 contribution?

20 WITNESS JUNEAU: The contribution, if you
21 calculate it mathematically, is 1300%. I don't
22 disagree with their --

23 COMMISSIONER CLARK: You don't characterize
24 that as a reasonable contribution, do you?

25 WITNESS JUNEAU: Commissioner, in this

1 regard I think that is a reasonable rate. When you
2 consider --

3 COMMISSIONER CLARK: Because that's what the
4 market will bear? Is that your -- is that the basis
5 on which you call it reasonable?

6 WITNESS JUNEAU: I would think in this
7 situation, Commissioner, that if this is a market rate
8 it is based on what the market would bear, and then
9 what the market would determine to be a reasonable
10 rate.

11 The rates that I'm aware of that the other
12 LECs and the other BOCs and the major LECs charge are
13 considerably in excess of our rates. Our rate is 4
14 cents, and we've heard quoted 98 cents or 60 cents for
15 a listing in a published directory. The others I'm
16 aware of, the next lowest rate for a magnetic tape
17 delivery is about 15 cents per listing from any other
18 LEC.

19 I think we thought that in filing this our
20 rate was, in fact, very reasonable and very low, and
21 it would be the other LECs that would be upset with
22 our rate, not the directory publishers.

23 COMMISSIONER CLARK: What do you charge
24 BAPCO for the same information per listing?

25 WITNESS JUNEAU: BAPCO is charged in a

1 different fashion. I don't know that the cost to
2 BAPCO can be related to a per listing. What I do know
3 about BAPCO's charge is it is in excess of what this
4 tariff rate would be.

5 COMMISSIONER CLARK: BAPCO is being charged
6 more than the Florida Independent Directory Publishers
7 for the same information?

8 WITNESS JUNEAU: It's my understanding that
9 BAPCO's agreement is in excess of the DPDS on an
10 equivalent listing basis.

11 COMMISSIONER CLARK: Thank you.

12 Q (By Mr. Horton) Mr. Juneau, while we're on
13 that, would you refer to Interrogatory No. 32, which
14 is in the exhibits we just identified. Page 39 of
15 that exhibit. Do you have that?

16 A Yes.

17 Q The response says that, "BellSouth telephone
18 prices for these services are market based. For the
19 companies BSC has knowledge of, BSC's prices are
20 competitive compared to similar offerings."
21 Competitive with whom?

22 A Competitive with the other RBOCs and LECs
23 that would be providing directory listings.

24 Q Are they competing with you to provide
25 Directory Publishers information with respect to

1 BellSouth subscriber information?

2 A In our franchise area today I'm not aware of
3 that. We provide, of course, directory -- provide
4 directory listings to BAPCO and then we provide them
5 to the independent publishers in our area. Now, in
6 the future your question may have relevance. I can
7 only speak to the provision of directory listings for
8 BellSouth customers.

9 Q Who are your competitors today for the
10 provision of subscriber information to independent
11 publishers?

12 A I do not know of another party that has a
13 product that markets it as such. We have mentioned
14 earlier such items as Chamber of Commerce, Welcome
15 Wagon, realtor organizations as other sources of
16 information, but if they market it as directory
17 information I'm not aware.

18 Q Do you know if those other sources charge
19 for any of that information?

20 A I do not know.

21 Q Would you agree that BellSouth has the most
22 accurate, up-to-date directory listing information
23 among whatever sources from which such data is
24 available?

25 A I would.

1 Q I'm sorry?

2 A I would.

3 Q So you agree with the finding of the
4 Commission in their Order No. 96-0446? Do you have
5 that copy of that order?

6 A I don't think so.

7 Q Look at Page 4 (Hands document to witness).

8 CHAIRMAN JOHNSON: Mr. Horton, did you have
9 any additional copies for us to --

10 MR. HORTON: No, ma'am, I don't. That's the
11 order we took notice of earlier. I'll get you copies.

12 CHAIRMAN JOHNSON: Staff, do you have it
13 there to refer to?

14 MR. PELLEGRINI: I have one copy.

15 CHAIRMAN JOHNSON: Okay. I just wanted to
16 make sure you at least had a copy.

17 Q (By Mr. Horton) On Page 4 at the bottom of
18 the page, the last sentence in that last paragraph
19 marked "A", you agree with that sentence?

20 A I agree with that.

21 Q And that's basically what I just read to
22 you, isn't that right?

23 A Yes.

24 Q Let me go on in your testimony to your third
25 point there on Page 3. Where you say, "The question